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# **Notice of Allowability**

**Application No.**

10/804,622

**Examiner**

Steven J. Ganey

**Applicant(s)**

BEAULIEU, EDGAR

**Art Unit**

3752

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed April 4, 2006.
2. ☒ The allowed claim(s) is/are 21-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Geren on April 17, 2006.

2. The application has been amended as follows:

In the claims:

This application is in condition for allowance except for the presence of claims 15-17 directed to an invention non-elected with traverse in the reply filed on April 29, 2005. Accordingly, with applicant's approval, claims 15-17 have been canceled.

In claim 21, line 11, the phrase "base portion horizontal cross sectional area" has been changed to -- base portion cross sectional area--.

The above change was done to maintain proper antecedent basis throughout the claim and to clearly define the invention.

In claim 32, line 20, the word "dispersing" has been changed to --disbursement--.

The above change was done to provide proper antecedent basis for "disbursement module" and to clearly define the invention.

In claim 59, line 16, the second instance of the phrase "base portion" has been changed to --body portion--.

The above change was done to correct an obvious typographical error in order to provide proper antecedent basis for "said body portion cross section in lines 18 and 19 and to clearly define the invention.

3. The following is an examiner's statement of reasons for allowance of claims 21-25, 29, 31 and 58: The prior art did not teach or suggest an apparatus for the collection and distribution of water as amended in claim 21 by the applicant and in view of applicant's convincing arguments, together in combination with the other claimed features of applicant's invention.

4. The following is an examiner's statement of reasons for allowance of claims 32-49: The prior art did not teach or suggest a treatment apparatus for treating pond water as claimed by the applicant, specifically a treatment apparatus comprising a disbursement module comprising a particulate-receiving bottom portion, an inlet construction at the other end of the passageway having an inlet aperture in communication therewith, which aperture is substantially smaller than the passageway so as to promote the separation and deposition of particulate matter on the particulate receiving bottom portion and an elongated, hollow and vertically disposed stack formation which defines a fluid coupling construction adapted to couple to the coupling construction of the disbursement module so as to form a coupling assembly for communication between the stack formation and the disbursement module, together in combination with the other claimed features of applicant's invention.

5. The following is an examiner's statement of reasons for allowance of claims 50-57: The prior art did not teach or suggest a water treatment apparatus for use in a water treatment as claimed by the applicant, specifically a water treatment apparatus comprising a disbursement module comprising a water inlet having a cross sectional area that is smaller than that of the

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disbursement module, the difference in cross sectional area between the water inlet and the disbursement module sufficient to promote the settlement of impurities to the bottom of the disbursement module, and a hollow stack including a first end defining an entranceway and a second end spaced from the first end, the entranceway permitting the removal of the impurities that have collected at the second end of the stack, the stack further including an opening that is in fluid communication with the entranceway, the opening of the stack adapted to permit connection of the outlet of the disbursement module to the stack in a manner that permits impurities collected within the disbursement module to gravitate toward and into the second end of the stack to permit removal of the impurities from the stack through the entranceway, together in combination with the other claimed features of applicant's invention.

6. The following is an examiner's statement of reasons for allowance of claim 59: The prior art did not teach or suggest an apparatus for collection and distribution of water and constructed to be positioned in a landscaping recess which defines a top and bottom as claimed by the applicant, specifically an apparatus comprising a module being elongated, tubularly-shaped, horizontally positionable adjacent the bottom of the recess and having a bottom portion, arcuately-shaped upper portion that defines a plurality of flow apertures and a fluid coupling construction at one end, the stack being elongated, tubularly shaped and having a base portion and body portion, the base portion being positionable adjacent the bottom of the recess and having a fluid coupling construction adapted to engage the fluid coupling construction on the module so as to form fluid coupling assembly for the flow of water between the module and stack and defining a base portion horizontal cross section, the body portion of the stack constructed to extend substantially vertically and upwardly from the base portion to the top of

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the recess and defining a body portion horizontal cross section, the base portion cross section being at least as large as the body portion cross section, together in combination with the other claimed features of applicant's invention.


7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Wednesday, and Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.

sjg

4/17/06

  
**STEVEN J. GANEY**  
**PRIMARY EXAMINER**  
4/17/06